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 WELLS FARGO & CO. and WELLS  
 FARGO BANK, N.A. (erroneously sued as  
 WELLS FARGO HOME MORTGAGE,  
 INC.)

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

GREGORY YOUNG; ODETTA YOUNG;  
 EDWARD HUYER and CONNIE HUYER,  
 on behalf of themselves and all others  
 similarly situated,

Plaintiffs,

vs.

WELLS FARGO & CO., and WELLS  
 FARGO HOME MORTGAGE, INC.,

Defendants.

Case No.: CV 083735 SI

**WELLS FARGO'S NOTICE OF  
 MOTION AND 9(b) MOTION TO  
 DISMISS, 12(e) MOTION FOR MORE  
 DEFINITE STATEMENT, AND 12(f)  
 MOTION TO STRIKE**

Date: November 7, 2008  
 Time: 9:00 a.m.  
 Dept.: Courtroom 10  
 Judge: Hon. Susan Illston

Trial Date: Not set  
 Complaint Date: August 5, 2008

**Accompanying Documents:**  
 Memorandum of Points and Authorities;  
 [Proposed] Order

PLEASE TAKE NOTICE that, on November 7, 2008, at 9:00 a.m., or as soon thereafter as the matter may be heard in the above entitled Court, located at 450 Golden Gate Avenue, San Francisco, California 94102, defendants Wells Fargo & Co. and Wells Fargo Bank, N.A.<sup>1</sup> (“Wells Fargo”) will and hereby do move, pursuant Rule 9(b) of the Federal Rules of Civil Procedure, to dismiss the Class Action Complaint of Plaintiffs Gregory and Odetta Young and Edward and Connie Huyer (“Plaintiffs”) on the following grounds:

1. Count I for violation of the Racketeer Influenced and Corrupt Organizations Act (“RICO”) 18 U.S.C. § 1962(a) is not pleaded with particularity;

2. Count II for violation of the RICO 18 U.S.C. § 1962(c) is not pleaded with particularity;

3. Count III for violation of the 18 U.S.C. § 2 and § 1962(a) and (c) is not pleaded with particularity;

4. Count IV for violation of California’s Business & Professions Code §§ 17200 *et seq.* is not pleaded with particularity;

5. Count V for violation of California’s Business & Professions Code §§ 17500 *et seq.* is not pleaded with particularity;

6. Count VI for violation of California’s Consumer Legal Remedies Act, California Civil Code §§ 1750 *et seq.* is not pleaded with particularity;

7. Count VII for Fraud, Deceit and/or Misrepresentation is not pleaded with particularity;

In addition, Wells Fargo will and hereby does move, pursuant to Federal Rule of Civil Procedure 12(e), for a more definite statement for Counts I, II, II, IV, V and VI on the grounds that the Complaint is too uncertain and indefinite to permit a response thereto.

Further, Wells Fargo will and hereby does move, pursuant to Federal Rule of Civil Procedure 12(f), to strike Paragraph 3 of the Complaint alleging: “Plaintiffs hereby incorporate

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<sup>1</sup> Erroneously sued herein as Wells Fargo Home Mortgage, Inc.

1 by reference the findings of fact and opinion in *Stewart*.”

2 These Motions and each of them are based on this Notice, the accompanying  
3 Memorandum of Points and Authorities, the Complaint, and all other papers on file in this action.

4 DATED: October 3, 2008

SEVERSON & WERSON  
A Professional Corporation

6 By: \_\_\_\_\_/s/\_\_\_\_\_  
7 Joshua E. Whitehair

8 Attorneys for Defendants  
9 WELLS FARGO & CO. and WELLS FARGO  
10 BANK, N.A. (erroneously sued as “WELLS  
FARGO HOME MORTGAGE, INC.)

11 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
12 "conformed" signature (/S/) within this efiled document.